

The Honorable Judge Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, NORTHWEST
TRUSTEE SERVICES, INC., MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., INDYMAC BANK FSB, DOES 1-50,

Defendants.

No. C10-1952 RSL

DEFENDANTS' ONEWEST, MERS,
AND NORTHWEST TRUSTEE
SERVICES, INC. NOTICE OF
WITHDRAWAL OF MOTION FOR
SUMMARY JUDGMENT ON CLAIMS
FOR DTA VIOLATIONS, RESPA
VIOLATIONS, FDCPA VIOLATIONS,
CPA VIOLATIONS, FRAUD, CIVIL
CONSPIRACY CLAIM, SLANDER OF
TITLE, AND INJUNCTION

Defendants OneWest Bank, FSB ("OneWest"), Mortgage Electronic Registration Systems Inc. ("MERS"), and Northwest Trustee Services, Inc. ("NWTS") (collectively "Defendants") hereby withdraw their Motion for Summary Judgment filed on March 22, 2012 (Dkt. 121), which was re-noted by the court for August 24, 2012 (Dkt. 143) in light of the Order entered on August 23, 2012 (Dkt. 164).

Defendants intend to supplement the motion for summary judgment to address the recent Washington Supreme Court opinion in the *Bain*¹ v. *Metropolitan Mortgage Group, Inc., et al.* matter as suggest by the court and will re-note the motion for consideration on a later date.

To the extent Defendant OneWest's pending Partial Motion for Summary Judgment (Dkt.

¹ *Bain v. Metropolitan Mortgage Group, Inc., et al.*, Case No. 86206-1 (August 16, 2012).

1 154) relies upon factual statements or documentary evidence referenced in or attached to the
2 withdrawing motion and declarations in support thereof, Defendant OneWest asks that the court
3 allow Defendant OneWest to continue its reliance upon such documents as they are part of the
4 court record.

5 DATED this 24th day of August, 2012.

6
7 **Presented By:**

8 **ROUTH CRABTREE OLSEN, P.S.**

9
10 By: /s/ Heidi E. Buck

11 Heidi E. Buck, WSBA No. 41769

12 Attorneys for Defendants OneWest, MERS,
13 and Northwest Trustee Services, Inc.